IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 25726 of 2006(K)

PETITIONER:

MRS.SAINA.C., ASSISTANT ENGINEER
(CIVIL) IN KERALA STATE ELECTRICITY BOARD
WORKING AT THE OFFICE OF THE CHIEF ENGINEER,
(CIVIL) VYDHYUTHI BHAVAN, GANDHI ROAD, KOZHIKODE,
(RESIDING AT QUARTERS NO.D2, 110 KV SUBSTATION
COMPOUND, CHEVAYUR, KOZHIKODE).

BY ADV. SRI.M.ASOKAN
SRI.DEVAPRASANTH.P.J.

RESPONDENTS:
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1. **EXECUTIVE ENGINEER, KSEB,**
   TRANSMISSION DIVISION NO.II,
   NALLALAM, KOZHIKODE.

2. **THE CHIEF ENGINEER (HRM),**
   KSEB, VYDYUTHI BHAVANAM, PATTAM,
   THIRUVANANTHAPURAM.

3. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY,
   VYDYUTHI BHAVANAM, PATTAM, THIRUVANANTHAPURAM.

4. **MRS.BINDU.N.S., STATION ENGINEER**
   (ASSISTANT ENGINEER), 110 KV SUB STATION,
   CHEVAYUR, KOZHIKODE.

BY ADV. SRI.K.S.ANIL, SC, KSEB
SRI.T.R.RAVI - R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C NO.25726/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER BEARING NUMBER BO NO.M.II.28278/79 DT.3.7.79.

EXT.P2:- COPY OF THE NOTICE DT.28.7.06, ISSUED BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE REPRESENTATION TO THE 1ST RESPONDENT DT.29.7.06 BY THE RESIDENTS.

EXT.P4:- REPLY TO EXT.P2 NOTICE DT.17.8.06 SUBMITTED BY PETITIONER.

EXT.P5:- COPY OF THE NOTICE DT.22.8.06 ISSUED BY THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE ORDER BO NO.TC3/R/70/88 DT.21.10.88.

EXT.P7:- APPEAL FILED BY THE PETITIONER TO THE 2ND RESPONDENT, DT.25.8.06.

EXT.P8:- COPY OF THE NOTICE DT. 26.9.06 ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS
EXT.R2(a):- COPY OF THE BOARD ORD NO.TC3/R/70/88 DT. 21.10.88.

EXT.R2(b):- COPY OF THE BOARD CIRCULAR NO.A .11-8725/68/15-7-69.

EXT.R2(c):- COPY OF THE LIST OF OCCUPANTS AT DEPARTMENT QUARTERS CHEVAYUR.

EXT.R2(d):- COPY OF THE LETTER DT,.26.9.06 .

/TRUE COPY/

tss

K.K. DENESAN, J.

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W.P.(C) No. 25726 OF 2006 K
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Dated this the 2nd March, 2007

J U D G M E N T

Today when the matter has been taken up, counsel for the petitioner submits that the petitioner has already given vacant possession of the quarters to the Electricity Board as promised by her on 8-2-2007. She is not in occupation of the quarters since 1-3-2007. This submission is recorded. Counsel submits that though the petitioner has vacated the quarters as undertaken before this Court, it is likely that the respondents may take action against her on the alleged ground of overstay by misinterpreting the orders of this Court.

2. I think, since the petitioner has already vacated the quarters and since the 4th respondent is free to occupy the quarters, it is only just and proper that respondents 1 to 3 shall give a quietus to the disputed issue and shall not pursue the matter any further. In the peculiar facts of this case, there is no necessity to take any penal action against the petitioner for not vacating the quarters within the

time stipulated by the 1st respondent.

With the above observation, the writ petition is closed.

K.K. DENESAN
JUDGE

jan/